

HOUSE BILL 2612
By DuBois

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 34, Part 2, to the Good Samaritan Volunteer Firefighters' Assistance act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Good Samaritan Volunteer Firefighters' Assistance Act".

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following language as a new section:

§ 29-34-205.

(a) Any person, corporation, business entity, charitable organization, or governmental agency that acts reasonably and in good faith in donating fire control or fire rescue equipment to a volunteer fire department shall not thereafter be civilly liable for any personal injury, property damage, or death proximately caused by a defect in the equipment.

(b) Any governmental agency that acts reasonably and in good faith in administering the distribution of donated fire control or fire rescue equipment to a volunteer fire department shall not thereafter be civilly liable for any personal injury, property damage, or death proximately caused by a defect in the equipment.

(c) The provisions of subsection (a) and (b) shall not apply to a person, corporation, business entity, charitable organization, or governmental agency if:

(1) The defect that proximately causes the injury, damage, or loss resulted from an act or omission of the person, corporation, business entity, charitable organization, or governmental agency that constitutes malice, gross negligence, recklessness, or intentional misconduct;

(2) The person, corporation, business entity, charitable organization, or governmental agency is the manufacturer of the fire control or fire rescue equipment; or

(3) The person, corporation, business entity, charitable organization, or governmental agency modified or altered the fire control or fire rescue equipment after it had been recertified by an authorized technician as meeting the manufacturer's specifications.

(d) As used in this section, "authorized technician" means a technician who has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by a state or local governmental agency administering the distribution of the fire control or fire rescue equipment.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it